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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,143	01/29/2004	Pascal Charroppin	945-011671-US (PAR)	4295
2512	7590	10/17/2007		
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			EXAMINER SALIARD, SHANNON S	
			ART UNIT	PAPER NUMBER
			3628	
			MAIL DATE	DELIVERY MODE
			10/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/767,143

Applicant(s)

CHARROPPIN, PASCAL

Examiner

Shannon S. Saliard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Applicant has amended claims 9 and 10. No claims have been cancelled or added. Thus, claims 1-10 remain pending and are presented for examination.

Response to Arguments

2. Applicant's arguments filed 20 July 2007, with respect to the rejection(s) of claim(s) 1-10 under 35 U.S.C. 102 (b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Baum et al [US 7,103,583] and Sansone et al [US 5,008,827].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-3, 6, 9, and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Baum et al [US Patent 7,103,583] in view of Sansone et al [US Patent 5,008,827].

As per **claims 1 and 5**, Baum et al discloses a first table of postal tariffs relative to postal products and services and a processing unit for updating these postal tariffs,

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wherein said RAM further comprises a second table of postal tariffs and said processing unit comprises means for comparing said postal tariffs of the first and second tables [col 7, lines 36-61; col 6, lines 14-17]. Baum et al does not explicitly disclose emitting to the operator of the franking system a message alerting to the expiration of tariffs when a date of application of said postal tariffs of said second table is identical to or earlier than a desired date of franking and when one of said compared postal tariffs has been changed. However, Baum et al discloses sending an instruction to communicate an update to a tariff table is the table is not up-to-date [col 8, lines 53-62]. Further, Sansone discloses checking for compliance with postal rules and regulations to determine that the unit has the last, and most recent, rates programmed into the local user unit [col 9, lines 45-50]. Sansone further discloses that that the status of local registers are checked and an alarm condition raised if an anomaly is detected [col 8, lines 54-67]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baum et al to include the method disclosed by Sansone et al so that the postal service does not lose revenue.

As per **claim 2**, Baum et al further discloses wherein said second table of postal tariffs is loaded in the franking system at a periodicity defined by the Postal Service [col 9, lines 22-25].

As per **claim 3**, Baum et al further discloses wherein said second table of postal tariffs is loaded in the franking system from a remote resetting centre [col 3, lines 6-7].

As per **claim 6**, Baum et al further discloses wherein the new postal data are stored at the location of the current postal data when the operator has accepted the updating of these postal data [col 4, lines 12-22].

As per **claim 7**, Baum et al further discloses wherein the current postal data are stored in a blank part of the RAM, to be kept for control purposes [col 6, lines 14-17].

As per **claim 8**, Baum et al does not disclose wherein the emission of the message alerting to the expiration of tariffs is inhibited by the operator except for the first such message after the franking system has been put into operation. However, Sansone et al discloses alarming an operator as to out of date fee schedule and the data is only changed after the check [col 8, lines 54-67]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baum et al to include the method disclosed by Sansone so that a user is not undercharged for a particular mail piece.

As per **claim 9**, Baum et al discloses wherein the postal data comprise postal Tariffs [col 8, lines 53-55].

As per **claim 10**, Baum et al further discloses wherein the postal data comprise postal products and services [col 8, lines 53-55].

5. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Baum et al [US Patent 7,103,583] in view of Sansone et al [US Patent 5,008,827], as applied to claim 1, and in further view of Bass et al [US 6,041,319].

As per **claim 4**, wherein said second table of postal tariffs is loaded in the franking system whenever credit is reloaded. However, Bass et al. does disclose that

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variations to the billing methods of the system may be made depending on the specific needs or practical application of a particular embodiment. (Col. 8, lines 1-25). Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to perform the comparison between use and system databases and update rate tables during the times when a connection is made to add credit to the franking system. The motivation for this embodiment would that a connection (through a phone number, modem or otherwise) has already been made between the customer and service to add credit to the franking system and in light of convenience, efficiency, and in order to be sure the proper rates are always present on the customer system it would be obvious to transfer updated rate tables at the same time.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon S. Saliard whose telephone number is 571-272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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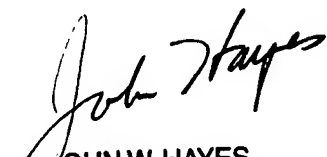
(571) 273-5587 [Informal/ Draft Communications, labeled
"PROPOSED" or "DRAFT"]

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Hand delivered responses should be brought to the Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Shannon S Saliard
Examiner
Art Unit 3628

SSS



JOHN W. HAYES
SUPERVISORY PATENT EXAMINER